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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,189	01/31/2001	Rabindranath Dutta	AUS920000950US1	4498
35525	7590	03/09/2006		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER GOLD, AVI M	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/773,189	DUTTA	
	Examiner	Art Unit	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3, 5, 6, 9-15, 18, 20, 21, 24-30, 33, 35, 36 and 39-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 5, 6, 9-15, 18, 20, 24-31, 33, 35, 36 and 39-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This action is responsive to the amendment filed on December 16, 2005. Claims 3, 5, 6, 9-15, 18, 20, 21, 24-30, 33, 35, 36, and 39-47 are pending.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 6, 9, 11-13, 18, 20, 21, 24, 26-28, 33, 35, 36, 39, 41-43, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nehab et al., U.S. Patent No. 6,029,182 further in view of Greenwood, U.S. Patent No. 6,675,212.

Nehab teaches the invention substantially as claimed including a system for generating a custom formatted hypertext document by using a personal profile to retrieve hierarchical documents (see abstract).

As to claims 3, 18, and 33, Nehab teaches a method, apparatus, and computer program product in a computer readable medium for providing content to a client, comprising:

retrieving the content, wherein retrieving the content includes performing a search of content providers (col. 1, lines 13-17, Nehab discloses retrieving articles from different services);

performing an evaluation of the content for accessibility by a user, wherein performing an evaluation of the content for accessibility criteria that is determined by analyzing how the content will be presented by the client (col. 1, lines 20-23, Nehab discloses articles selected based on a personalized data retrieval structure);

determining whether the determined accessibility level of the content meets an accessibility requirement for the user (col. 1, lines 18-34, Nehab discloses the retrieval system traversing through web sites and selecting articles based on content analysis);

providing the content to the client if the determined accessibility level of the content meets the accessibility requirement (col. 1, lines 13-34, Nehab discloses content found on the web and given to the user based on a personalized data retrieval structure); and

the content does not meet accessibility requirements if the determined accessibility level of the content does not meet the accessibility requirement for the user (col. 3, lines 30-49, Nehab discloses only receiving data available which may not be all of the data requested).

Nehab fails to teach the limitation further including the providing an indication to the client that the content does not meet accessibility requirements.

However, Greenwood teaches systems and methods of improving data browsing efficiency in computer implemented data browsing systems (see abstract). Greenwood

teaches the use of a user notified when they won't be receiving their data due to denial from the server (col. 10, line 65 – col. 11, line 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nehab in view of Greenwood to send an indication to the client that the content does not meet accessibility requirements. One would be motivated to do so because it lets the user know that they will not be receiving certain content.

Regarding claims 6, 21, and 36, Nehab teaches a method, apparatus, and computer program product in a computer readable medium of claims 3, 18, and 33, wherein performing an evaluation of the content for accessibility by a user includes using an evaluation tool to perform the evaluation (col. 1, lines 20-34).

Regarding claims 9, 24, and 39, Nehab teaches a method, apparatus, and computer program product in a computer readable medium of claims 3, 18, and 33, wherein the accessibility requirement for the user is obtained from a user profile (col. 1, lines 20-34).

Regarding claim 11, Nehab teaches the method of claim 3, wherein the method is implemented on the client (col. 3, lines 52-65, Nehab discloses data downloaded to an extracted data tree).

Regarding claims 12, 27, and 42, Nehab teaches a method, apparatus, and computer program product in a computer readable medium of claims 3, 18, and 33, wherein the content is at least one web page (col. 1, lines 13-34).

Regarding claims 13, 28, and 43, Nehab teaches a method, apparatus, and computer program product in a computer readable medium of claims 3, 18, and 33, further comprising modifying the content such that the content meets the accessibility requirement for the user (col. 4, lines 13-25, Nehab discloses data being formatted into a personalized document).

Regarding claim 26, Nehab teaches the apparatus of claim 18, wherein the apparatus is associated with the client (col. 3, lines 52-65).

Regarding claim 41, Nehab teaches the computer program product of claim 33, wherein the computer program product is executed on the client (col. 3, lines 52-65).

Regarding claim 46, Nehab teaches a proxy server on a network that facilitates communication between a search engine and a user, comprising:

means for receiving a search request from the user (col. 1, lines 13-34);

means for forwarding the search request to the search engine (col. 1, lines 13-34);

means for receiving search results of the search request from the search engine (col. 1, lines 13-34);

means for performing an evaluation of content pertaining to the search results for accessibility by the user by analyzing how the content is specified to be presented to the user (col. 1, lines 20-23);

means for providing the content to the user if a result of the evaluation meets an accessibility requirement for the user (col. 1, lines 13-34); and

means for modifying the content if the result of the evaluation does not meet the accessibility requirement for the user such that the content meets the accessibility requirement for the user (col. 4, lines 13-25).

Regarding claim 47, Nehab teaches the proxy server of claim 46, wherein the means for modifying the content comprises means for changing values for presentation tags in the content based on one of a rule set and an algorithm such that the content, when presented to the user, meets the accessibility requirement for the user, wherein the presentation tags describe how particular portions of the content are to be presented (col. 2, lines 58-64).

3. Claims 5, 20, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nehab and Greenwood further in view of Rowan et al., "Evaluating Web Resources for Disability Access."

Nehab teaches the invention substantially as claimed including a system for generating a custom formatted hypertext document by using a personal profile to

retrieve hierarchical documents (see abstract). Greenwood teaches the invention substantially as claimed including systems and methods of improving data browsing efficiency in computer implemented data browsing systems (see abstract).

Nehab and Greenwood teach the method, apparatus, and computer program product of claims 3, 18, and 33, respectively.

Nehab and Greenwood fail to teach the limitation further including the use of accessibility criteria are established based on standardized handicap accessibility guidelines.

However, Rowan teaches the need for a standard accessibility evaluation method (see abstract). Rowan teaches the use of the W3C Web Content Accessibility Guidelines (page 80, last paragraph).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nehab and Greenwood in view of Rowan to use Bobby. One would be motivated to do so because it is would allow for World Wide Web resources to be accessible to people with disabilities (page 80, 1<sup>st</sup> column, after Introduction).

4. Claims 10, 14, 15, 25, 29, 30, 40, 44, and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nehab and Greenwood further in view of Kennel et al., "WAB: World Wide Web access for blind and visually impaired computer users".

Nehab teaches the invention substantially as claimed including a system for generating a custom formatted hypertext document by using a personal profile to retrieve hierarchical documents (see abstract). Greenwood teaches the invention



substantially as claimed including systems and methods of improving data browsing efficiency in computer implemented data browsing systems (see abstract).

As to claims 10, 25, and 40, Nehab and Greenwood teach a method, apparatus, and computer program product in a computer readable medium for providing content to a client, comprising: retrieving the content (col. 1, lines 13-17); performing an evaluation of the content for accessibility by a user by determining how the content will be presented to the user (col. 1, lines 20-23); and providing the content to the client if a result of the evaluation meets an accessibility requirement for the user (col. 1, lines 13-34).

Nehab and Greenwood fail to teach the limitation further including the use of a proxy server.

However, Kennel teaches a working system which makes web-surfing easier for blind persons (see abstract). Kennel teaches the use of a proxy server which can present content in its original form (page 13, section 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nehab and Greenwood in view of Kennel to use a proxy server. One would be motivated to do so because a proxy server is a known and efficient way to pass along content.

As to claims 14, 29, and 44, Nehab and Greenwood teach a method, apparatus, and computer program product in a computer readable medium for providing content to a client, comprising:

retrieving the content (col. 1, lines 13-17);

performing an evaluation of the content for accessibility by a user (col. 1, lines 20-23); and

providing the content to the client if a result of the evaluation meets an accessibility requirement for the user (col. 1, lines 13-17),

modifying the content such that the content meets the accessibility requirement for the user, wherein modifying the content includes changing values for tags in the content based on one of a rule set and an algorithm such that the content meets the accessibility requirement for the user (col. 4, lines 13-25, col. 2, lines 58-64, Nehab discloses flattening the extracted data tree and formatting the linear document).

Nehab and Greenwood fail to teach the limitation further including the determining how the content will be presented to the user and modifying the content and presentation tags if the result of the evaluation does not meet the accessibility requirement for the user.

However, Kennel teaches the use of structure and meta information being presented in a way so that blind users can recognize them easily; structure and meta information of original text being transformed; and links and references presented in modified form (page 11, paragraphs 2 and 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nehab and Greenwood in view of Kennel to determine how the content will be presented to the user and modifying the content and presentation tags if the result of the evaluation does not meet the accessibility requirement for the user. One would be motivated to do so because it would make it easier for a blind or visually impaired person to web-surf.

As to claims 15, 30, and 45, Nehab and Greenwood teach a method, apparatus, and computer program product in a computer readable medium for providing content to a client, comprising:

retrieving the content (col. 1, lines 13-17);

performing an evaluation of the content for accessibility by a user (col. 1, lines 20-23); and

providing the content to the client if a result of the evaluation meets an accessibility requirement for the user (col. 1, lines 13-34),

modifying the content such that the content meets the accessibility requirement for the user, wherein performing the evaluation of the content for accessibility by the user includes logging elements of the content that do not meet accessibility criteria, and wherein modifying the content includes modifying logged elements and then re-evaluating the content to confirm the accessibility requirement for the user has been met by such content modification (col. 4, lines 13-25, col. 2, lines 58-64, col. 4, lines 35-39, Nehab discloses a formatted document processed again).

Nehab and Greenwood fail to teach the limitation further including the determining how the content will be presented to the user and modifying the content if the result of the evaluation does not meet the accessibility requirement for the user.

However, Kennel teaches the use of structure and meta information being presented in a way so that blind users can recognize them easily; structure and meta information of original text being transformed; and links and references presented in modified form (page 11, paragraphs 2 and 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nehab and Greenwood in view of Kennel to determine how the content will be presented to the user and modifying the content if the result of the evaluation does not meet the accessibility requirement for the user. One would be motivated to do so because it would make it easier for a blind or visually impaired person to web-surf.

### ***Response to Arguments***

5. Applicant's arguments for claims 46 and 47 filed December 16, 2005 have been fully considered but they are not persuasive.

6. In response to applicant's arguments, the recitation "a proxy server on a network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process

steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

7. Applicant's arguments with respect to claims 3, 5, 6, 9-15, 18, 20, 21, 24-30, 33, 35, 36, and 39-45 have been considered but are moot in view of the new ground(s) of rejection.

8. In view of the appeal brief filed on December 16, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth above.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,324,511 to Kiraly et al.

U.S. Pat. No. 6,476,833 to Moshfeghi.

U.S. Pat. No. 6,725,424 to Schwerdtfeger et al.

U.S. Pat. No. 6,665,642 to Kanevsky et al.

U.S. Pat. No. 6,029,182 to Nehab et al.

U.S. Pat. No. 5,983,247 to Yamanaka et al.

U.S. Pat. No. 6,457,030 to Adams et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

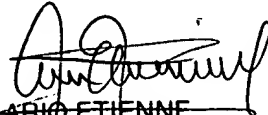
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Avi Gold

Patent Examiner

Art Unit 2157

AMG

  
ARIO ETIENNE  
PRIMARY EXAMINER